

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

Case No. 06-14891

HONORABLE AVERN COHN

J.T. BATTENBERG, III, and PAUL FREE,

Defendants.

_____ /

AMENDED¹
PARTIAL JUDGMENT - LIABILITY ONLY - AS TO J.T. BATTENBERG, III
AND PAUL FREE

I.

This is a securities fraud case. Following twenty-nine days of trial, on January 13, 2011, a jury returned a verdict in favor of the SEC and against defendants J.T. Battenberg, III and Paul Free for violating various securities law and rules. Accordingly, a partial judgment on liability is entered in favor of the SEC and against defendants consistent with the jury's findings, as follows:

II.

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that as to J.T.

Battenberg, III:

¹This Amended Judgment is entered to remove the jury's finding that Paul Free violated section 17(a)(2) of the Securities Act of 1933, as the SEC concedes that Free is entitled to a judgment as a matter of law on this violation.

GM Settlement Transaction

He violated Section 13(b)(5) of the Securities Exchange Act of 1934 and Rules 13b2-1 and 13b2-2 promulgated under the Securities and Exchange Act of 1934.

III.

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that as to Paul Free:

GM Settlement Transaction

He violated Section 13(b)(5) of the Securities Exchange Act of 1934 and Rules 13b2-1 and 13b2-2 promulgated under the Securities and Exchange Act of 1934.

Bank One - Precious Metals (PGM) Transaction

He violated Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5,, Section 20(e) of the Securities Exchange Act of 1934 by aiding and abetting a violation by Delphi Corporation of Section 13(a) of the Securities Exchange Act of 1934 and Rules 13a-1, 13a-13 and 12b-20, Section 20(e) of the Securities Exchange Act of 1934 by aiding and abetting a violation by Delphi Corporation of Section 13(b)(2)(A) of the Securities Exchange Act of 1934, Section 20(e) of the Securities Exchange Act of 1934 by aiding and abetting a violation by Delphi Corporation of Section 13(b)(2)(B) of the Securities Exchange Act of 1934, Section 13(b)(5) of the Securities Exchange Act of 1934, and Rules 13b2-1 and 13b2-2 promulgated under the Securities Exchange Act of 1934.

BBK - Cores and Batteries Transaction

He violated Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5, Section 20(e) of the Securities Exchange Act of 1934 by aiding and abetting a violation by Delphi Corporation of Section 13(a) of the Securities Exchange Act of 1934 and Rules 13a-1, 13a-13 and 12b-20, Section 20(e) of the Securities Exchange Act of 1934 by aiding and abetting a violation by Delphi Corporation of Section 13(b)(2)(A) of the Securities Exchange Act of 1934, Section 20(e) of the Securities Exchange Act of 1934 by aiding and abetting a violation by Delphi Corporation of Section 13(b)(2)(B) of the Securities Exchange Act of 1934, Section 13(b)(5) of the Securities Exchange Act of 1934, and Rules 13b2-1 and 13b2-2 promulgated under the Securities Exchange Act of 1934.

EDS - \$ 20 Million Transaction

He violated Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5, Section 20(e) of the Securities Exchange Act of 1934 by aiding and abetting a violation by Delphi Corporation of Section 13(a) of the Securities Exchange Act of 1934 and Rules 13a-1, 13a-13 and 12b-20, Section 20(e) of the Securities Exchange Act of 1934 by aiding and abetting a violation by Delphi Corporation of Section 13(b)(2)(A) of the Securities Exchange Act of 1934, Section 20(e) of the Securities Exchange Act of 1934 by aiding and abetting a violation by Delphi Corporation of Section 13(b)(2)(B) of the Securities Exchange Act of 1934, Section 13(b)(5) of the Securities Exchange Act of 1934, and Rules 13b2-1 and 13b2-2 promulgated under the Securities Exchange Act of 1934.

IV.

A final judgment will enter upon conclusion of the remedies phase of the case.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 9, 2011

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, August 9, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160